

# **WINNIE MADIKIZELA- MANDELALOCAL MUNICIPALITY**



## **GRIEVANCE PROCEDURE POLICY**

**Approved by the COUNCIL on:**

**13 MAY 2022**

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## **1. PREAMBLE**

**WHEREAS** the Municipality remains committed to maintaining peace and harmony within the workplace and amongst its staff;

**WHEREAS** the Municipality recognises that a positive working environment and positive working relationships can have a positive impact on staff well-being and that it can also lead to better performance, improved employee retention and reduced stress-related absence;

**WHEREAS** the Municipality is aware those in a diverse arrangement of personalities in the workplace conflicts are bound to happen and that this is a normal part of the work environment, it does we wish to support staff and managers to work together to resolve disputes and conflicts;

**WHEREAS** the Municipality wishes to create an environment that is free of victimisation and other prohibited forms of discrimination;

**WHEREAS** the Municipality requires a consistent and fair approach in handling work related disputes in the workplace;

**WHEREAS** the Municipality wishes to ensure that all internal processes are exhausted before parties refer a work related dispute to external dispute resolution tribunals.

**NOW THEREFORE BE IT ENACTED** that the Municipality adopts the Grievance Procedure Policy.

## **2. DEFINITIONS**

- 2.1. Grievance** means any individual or a group work related of employees concerning a conduct of person in authority, fellow employee or the implementation of a policy. It does not include grievances in respect with which the municipality has already published policy guidelines.
- 2.2. Employee:** means any person employed by the municipality up to and including all Heads of Department but excluding Council members;
- 2.3. Head of Department:** means senior managers or managers appointed in terms of S56/57 of the Municipal Systems Act 32 of 2000 reporting directly to the Municipal Manager;
- 2.4. Immediate Superior:** means the aggrieved employee's line supervisor in terms of the Municipality's Organisational Structure;
- 2.5. The Municipality:** means the Winnie Madikizela Mandela Local Municipality;
- 2.6. Municipal Manager:** means the Accounting officer of the Municipality appointed in terms of the Municipal Systems Act 32 of 2000;
- 2.7. Policy:** means the Winnie Madikizela Mandela Local Municipality Grievance Policy and Procedure;
- 2.8. Parties:** means the individuals involved in the grievance, and the Municipality when, applicable;
- 2.9. Working Days:** means Monday to Friday and excludes public holidays and Municipal recess periods

## **3. LEGAL FRAMEWORK**

- 3.1.** Labour Relations Act 66 of 1995 (as amended);
- 3.2.** Basic Conditions of Employment Act 75 of 1997;
- 3.3.** Local Government: Municipal Systems Act 32 of 2000 (as amended); and
- 3.4.** South African Local Government Bargaining Council Main Collective Agreement.

## **4. OBJECTIVE OF THE POLICY**

- 4.1.** To serve as a guide for management in the Municipality in instances where grievances arise;
- 4.2.** To expedite the resolution of work-related disputes;

## **5. SCOPE OF THE POLICY**

- 5.1.** This policy shall apply to all employees of the Municipality.
- 5.2.** This policy shall not apply to councillors or any other member of council.
- 5.3.** This policy shall not apply to impractical offences and/or disputes such as:
  - 5.3.1.** Violence in the workplace that endangers or has the potential to endanger the lives of other fellow employees;
  - 5.3.2.** Cases of fraud;
  - 5.3.3.** Theft;
  - 5.3.4.** Vandalism;
  - 5.3.5.** Gross Dishonesty;
  - 5.3.6.** Wrongful disclosure of privileged information; and
  - 5.3.7.** Any offence listed in Annexure 1 of the Municipality's Disciplinary Code and Procedure Policy.
- 5.4.** This policy shall remain applicable for as long as it is in force, or up until such a period that it is reviewed and/or set aside by the Municipality or any other institution with the authority to do so.

## **6. STEPS IN THE GRIEVANCE PROCEDURE**

### **6.1. STEP ONE:- Immediate Superior**

- 6.1.1.** An aggrieved employee or group of employees must lodge a grievance in writing with his or her immediate superior on the prescribed grievance form setting out the complaint and the desired result.
- 6.1.2.** Should the grievance concern the conduct of employee's Immediate Superior, the employee may proceed directly to Step Two (2) below, provided that he/she submits the grievance on the prescribed form.
- 6.1.3.** Should the grievance concern the conduct of the Head of Department the employee may proceed directly to Step Three (3), provided that he/she submits the grievance on the prescribed form.
- 6.1.4.** The immediate superior shall wherever practically possible endeavour, in consultation with the affected employees, to resolve the grievance within Ten (10) days of the grievance having been referred to him or her and shall inform the employees of the outcome in writing. An employee may, if he or she so wishes be assisted by a shop steward, fellow employee, or union official.

### **6.2. STEP TWO: -Head of Department**

- 6.2.1.** If the grievance has not been resolved to the satisfaction of the aggrieved employee or group of employees within Ten (10) days of lodging the grievance in terms of Step One above, the employee or employees may refer the matter in writing within Ten (10) days to the Head of Department or his or her nominee.

- 6.2.2. The Head of Department or his or her nominee shall arrange a meeting to consult and hold discussion with the affected parties in an attempt to achieve a resolution. The employee or employees may be assisted by a shop steward, or union official at such a meeting and the immediate superior may be required to attend.
- 6.2.3. The Head of Department or his or her nominee shall endeavour to resolve the grievance within Ten (10) days of the grievance having been referred to him or her and shall inform the employees of the outcome in writing.

**6.3. STEP THREE: - Municipal Manager**

- 6.3.1. If the grievance has not been resolved to the satisfaction of the aggrieved employee or group of employees within Ten (10) days of the referral in terms of Step Two above, the employee or employees may refer the matter in writing to the Municipal Manager or his or her nominee within Ten (10) days. The Municipal Manager shall hold a meeting, attended by the employee or employees and their representative, if required, and any other persons who, in the opinion of the Municipal Manager or his or her nominee should attend.
- 6.3.2. The Municipal Manager shall hear the details of the grievance including proposals to resolve the issue and shall endeavour to reach an agreed outcome within Ten (10) days of the referral in terms of bullet one above.
- 6.3.3. The Municipal Manager or his nominee shall inform the employee or employees in writing of the outcome of the hearing as envisaged in bullet two above, and the outcome shall be final in terms of this procedure.
- 6.3.4. If a grievance is against the Municipal Manager, the aggrieved employee may refer the grievance to the Mayor, who may either seek to resolve the grievance himself or herself or engage the assistance of an appropriate Senior Manager of another Municipality to help resolve the grievance.
- 6.3.5. If a grievance has not been resolved to the satisfaction of the aggrieved party, that party may refer the grievance to the Council for adjudication provided that a dispute has been declared and the party is entitled in law to declare such a dispute.

Signed on the 22 day of 06 2022

  
Municipal Manager



**WINNIE MADIKIZELA MANDELA LOCAL  
MUNICIPALITY**

**GRIEVANCE FORM**

<b>NAME OF DEPARTMENT:</b>				
<b>TO BE COMPLETED BY EMPLOYEE/S (IF MORE THAN ONE EMPLOYEE, PLEASE ATTACH LIST)</b>	<b>PERSONAL DETAILS</b>			
	<b>Name(s) of Employee(s):</b>			
	<b>Employee Number:</b>			
	<b>Designation:</b>			
	<b>Place Of Work:</b>			
	<b>Nature of Grievance:</b>			
	<b>Desired Solution:</b>			
<b>Signature of Employee(s):</b>		<b>Date:</b>		
<b>STEP ONE</b>				
<b>TO BE COMPLETED BY IMMEDIATE SUPERIOR WITHIN 10 DAYS OF RECEIPT OF GRIEVANCE</b>	<b>Name:</b>			
	<b>Date Received:</b>			
	<b>Result of Discussion with Employee:</b>			
	<b>Signature of Immediate Superior:</b>		<b>Date:</b>	
	<b>Comments of Employee(s):</b>			
	<b>Signature of Employee (s):</b>		<b>Date:</b>	

*Receipt Confirmation*

<b>CONFIRMATION OF RECEIPT OF GRIEVANCE</b>			
<b>To be completed by immediate superior and handed to employee</b>	<b>Name:</b>		
	<b>Employee Number:</b>		
	<b>Name of Immediate Superior:</b>		
	<b>Signature Of Immediate Superior:</b>		<b>Date:</b>

STEP TWO		
<b>TO BE COMPLETED BY HEAD OF DEPARTMENT OR NOMINEE WITHIN 10 DAYS OF RECEIPT</b>	Name:	
	Date Received:	
	Result of Grievance Investigation and Decision of Head of Department or Nominee:	
	Date:	
	Signature of Head of Department or Nominee:	
Comments of Employee(s):		
Date:		
Signature of Employee(s):		
Date:		
STEP THREE		
Name:		Signature of Shop Steward Or Union Official:
Date Received:		
Result of Grievance Investigation and Decision of Municipal Manager or Nominee:		
Signature of Municipal Manager or Nominee:		Date:
Name of Shop Steward or Union Official:		
Signature of Shop Steward Or Union Official:		Date: